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Hunton & Williams 1900 K Street, N.W. Washington, DC 20006-1109			WOOD, WILLIAM H		
			ART UNIT	PAPER NUMBER	
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Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/749,940	ELLENS ET AL.			
		Examiner	Art Unit			
		William H. Wood	2193			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
WHIC - External after - If NO - Failu Any	ORTENED STATUTORY PERIOD FOR REPLY CHEVER IS LONGER, FROM THE MAILING DASSION of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period or to reply within the set or extended period for reply will, by statute reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONED	ely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status						
1)🖂	Responsive to communication(s) filed on 16 No.	ovember 2005.				
2a) <u></u> □	This action is FINAL . 2b)⊠ This action is non-final.					
3)	☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims					
5)□ 6)⊠ 7)□	Claim(s) <u>1-65,67 and 68</u> is/are pending in the a 4a) Of the above claim(s) is/are withdraw Claim(s) is/are allowed. Claim(s) <u>1-65,67 and 68</u> is/are rejected. Claim(s) is/are objected to. Claim(s) are subject to restriction and/or	vn from consideration.				
Application Papers						
10)	The specification is objected to by the Examine The drawing(s) filed on is/are: a) access applicant may not request that any objection to the Replacement drawing sheet(s) including the correct The oath or declaration is objected to by the Ex	epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj	37 CFR 1.85(a). ected to. See 37 CFR 1.121(d).			
Priority u	ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
Attachment	e of References Cited (PTO-892)	4) 🔲 Interview Summary ((DTO 412)			
2) D Notice 3) D Inform	e of References Cited (PTO-692) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) No(s)/Mail Date	Paper No(s)/Mail Da				

DETAILED ACTION

Claims 1-65 and 67-68 are pending and have been examined.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 November 2005 has been entered.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 37, 50, 54-57, 61, 63, 65 and 67-68 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The "means for" claims 37, 50, 54, 61, 63 and 65 and the "computer readable medium" claims 55-57 and 67-68 are not tangible as the claims are not limited to tangible products or mediums (Specification: page 3, lines 19-30; note transmission media, line 22). A signal has no physical structure and does not itself perform any useful, concrete and tangible result.

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4. Claims 1-27, 37, 50, 54, 58-59, 61 and 65 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The system/apparatus claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

5. Claims 28-36, 38-49, 51-53, 60 and 62-64 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The method claims are not tangible as the claims do not appear to require any hardware and could simply be implemented in software *per se*, thus the described functionality of the claims has no manner of being physically carried out (see Specification: page 3, lines 17-18, indicates possibly entire invention in software).

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 7. Claims 1-3, 6-11, 13, 19-29, 33-41, 45-51 and 53-68 are rejected under 35 U.S.C. 102(b) as being anticipated by **Svedberg** et al. (USPN 5,408,218).

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Claim 1

Svedberg disclosed a system for managing a component-based system (column 2, lines 30-34), comprising:

- one or more application components, each of the components associated
 with a managed object representation comprising management logic of the
 component (column 4, line 68 to column 5, line 7, MOs being for software and
 hardware); and
- a management core providing a managed object view of each managed object representation (column 11, lines 16-24; modeled MOs) and allowing manipulation of management attributes of each managed object representation through at least one predetermined event policy (column 10, line 34 to column 11, line 34; predetermined event policy, at least the three bulleted items), wherein the management core includes a management event concentrator for receiving and concentrating events from the managed object representations associated with the application components (column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie.
- wherein when a predetermined event is reported in association with one of the components, an associated event policy of the at least one predetermined event policy is performed (column 11, lines 22-34).

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Claim 2

Svedberg disclosed the system of claim 1 further comprising a management framework

including the managed objects and supporting a variety of access mechanisms to the

managed object (column 5, lines 1-7; column 9, lines 3-27).

Claim 3

Svedberg disclosed the system of claim 2 further comprising at least one management

application associated with the management framework performing management

functions on the managed object wherein performance of one of the at least one

predetermined event policy causes performance of a predetermined one of the at least

one management application (column 11, lines 24-34; note functionality provided

indicating application or module).

Claim 6

Svedberg disclosed the system of claim 1 wherein the management attributes comprise

at least one of: ability to provide service, usage of the component, degree to which the

component is allowed to provide service, status and alarm attributes (column 10, line 34

to column 11, line 34, note in particular column 10, line 41 to column 11, line 3).

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Claim 7

Svedberg disclosed the system of claim 1 wherein the predetermined event is a fault

and the associated event policy is a fault management event policy (column 2, lines 30-

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34).

Claim 8

Svedberg disclosed the system of claim 7 wherein the fault management event policy

comprises current status maintenance (column 10, lines 34 to column 11, lines 34).

Claim 9

Svedberg disclosed the system of claim 1 wherein the predetermined event is an alarm

and the associated event policy is an alarm reporting function (column 10, lines 34 to

column 11, lines 34; note in particular column 11, line 31, recording for analysis, ie.

reporting).

Claim 10

Svedberg disclosed the system of claim 1 wherein the management attributes comprise

component dependency status (column 12, line 41 to column 13, line 28).

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<u>Claim 11</u>

Svedberg disclosed the system of claim 1 further comprising at least one metric

associated to the managed object wherein the at least one metric may be used to

measure performance attributes of the component (column 11, lines 8-15, thresholds).

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Claim 13

Svedberg disclosed the system of claim 1 wherein the at least one predetermined

event and the associated event policy are configured into the managed object view of

the component (column 11, lines 16-22, MOs).

Claim 19

Svedberg disclosed the system of claim 1 wherein the system is a telephony network

(column 1, line 20).

Claim 20

Svedberg disclosed the system of claim 1 wherein the system is a hybrid network

(column 1, line 15, complex electrical systems).

Claim 21

Svedberg disclosed a system for managing a component-based system, comprising:

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• one or more application components, each of the components associated with a managed object representation comprising management logic of the component (column 4, line 64 to column 5, line 10); and

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- a management framework including the managed objects and a management event concentrator and allowing manipulation of management attributes of each managed object through at least one predetermined event policy (column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34).
- (additional limitations correspond to claim 1 and are rejected in the same manner)

Claim 22

Svedberg disclosed the system of claim 21 wherein the managed object comprises a managed object interpreter and at least one management component, each management component including one of the management attributes *(column 11, lines 35-42)*.

Claim 23

Svedberg disclosed the system of claim 21 wherein each managed object in the system sends management events to the management event concentrator (column 2, line 30 to column 3, line 63; column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating).

Claim 24

Svedberg disclosed the system of claim 23 further comprising at least one manager module coupled to the management event concentrator wherein each manager module monitors a specific management attribute for the system *(column 11, lines 24-34; note functions embodied in some structure)*.

Claim 25

Svedberg disclosed the system of claim 24 further comprising a management layer including the at least one manager module and at least one node specific management application programming interface ("API") wherein each manager module reports management information to a node specific element management system through the node specific API *(column 9, lines 3-27; note Object Programmer's Interface)*.

Claim 26

Svedberg disclosed the system of claim 21 wherein each managed object and each management component comprise an identifier to allow the management system to access specific management components (column 13, lines 50-54; column 1, lines 31-36, identification required).

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Claim 27

Svedberg disclosed the system of claim 26 wherein the identifiers are mapped into a single tree structure (*figure 9, figure 5*).

Claim 28

Svedberg disclosed a method of managing a component-based system (column 2, lines 30-34; column 4, line 64 to column 5, line 10) comprising:

- retrieving a record associated with a component (column 10, line 34 to column 11, line 34) over a management event concentrator, wherein the management event concentrator receives and concentrates events from at least one managed object associated with the application components (column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating);
- establishing component events for managing the component (column 10, line 34 to column 11, line 34);
- selecting at least one event policy from a event policies storage area (column 11, lines 16-34; event policies provided and therefore must be selected at some point); and
- associating at least one component event to each selected event policy to configure the component creating a network application, which may include

additional configured components (column 11, lines 16-34; event policies

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clearly associated at some point),

wherein the associated event policy is performed in the component based

system if the at least one component event occurs (column 10, line 34 to

column 11, line 34).

Claim 29

Svedberg disclosed the method of claim 28 further comprising storing the network

application in an application model storage area (column 2, lines 30-34, at least the

memory of the system).

Claim 33

Svedberg disclosed method of claim 28 further comprising associating the at least one

component to a managed object representation in a management framework wherein

the managed object representation is associated with the associated event policy

(column 4, line 64 to column 5, line 10; column 11, lines 16-34).

<u> Claim 34</u>

Svedberg disclosed method of claim 28 further comprising associating the component

with a management framework coupled to at least one management application

performing a management functions wherein performance of the associated event

policy causes performance of a predetermined one of the at least one management

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application (column 11, lines 16-34, the operations must be performed by some

"application"; additionally, the overall system column 4, line 64 to column 5, line 10).

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Claim 35

Svedberg disclosed method of claim 28 further comprising manipulating management

attributes of the component through the associated event policy wherein the

management attributes comprise at least one of: ability to provide service, usage of the

component, degree to which the component is allowed to provide service, status and

alarm attributes (see claims 5 and 6).

Claim 36

Svedberg disclosed the method of claim 28 wherein the event policy comprises one of:

a state change, a status change and an alarm report (see claim 9).

<u> Claim 37</u>

The limitations of system claim 37 correspond to method claims 28 and 21 and as such

are rejected in the same manner.

Claim 38

Svedberg disclosed a method of managing a component-based system (column 2,

lines 30-34), comprising:

- a) receiving a report of an event from at least one component (column 11, lines 22-34);
- b) performing a management event policy associated with the event if the event matches an event stored in a managed object representation of the component (column 11, lines 22-34), wherein the event is received via a management event concentrator for receiving and concentrating events from the managed object representation of the component (column 1, lines 31-34; column 3, lines 61-63; column 11, lines 16-34; operation support system (OSS) provides receiving alarms in a centralized fashion, ie. concentrating); and
- c) managing the at least one component using the result of the management event policy performed (column 10, line 34 to column 11, line 34).

Claim 39

Svedberg disclosed the method of claim 38 wherein performing the management event policy comprises manipulating management attributes of the component (see claim 1).

<u>Claim 40</u>

Svedberg disclosed the method of claim 39 wherein manipulating the management attributes of the component comprises manipulating indicators of at least one of ability to provide service, usage of the component, degree to which the component is allowed to provide service, status and alarm attributes (see claim 6).

<u>Claim 41</u>

Svedberg disclosed the method of claim 38 wherein managing the at least one component comprises performing a management application if the result of the management event policy performed matches a predetermined management event policy result (see claim 34).

Claim 45

Svedberg disclosed the method of claim 38 wherein managing the at least one component comprises storing the result of the component event policy performed in a management aggregator and performing a management event policy when the number of component event policy results stored in the management aggregator reaches a predetermined value (column 11, lines 8-15, thresholds and means for recording them).

Claim 46

Svedberg disclosed the method of claim 38 wherein the event comprises a fault and performing the associated management event policy comprises performing a fault management event policy (see claim 7).

<u>Claim 47</u>

Svedberg disclosed the method of claim 46 wherein performing a fault management event policy comprises updating a status of the component (see claim 8).

Claim 48

Svedberg disclosed the method of claim 38 wherein the event comprises an alarm and performing the event policy comprises reporting the alarm (see claim 9).

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Claim 49

Svedberg disclosed the method of claim 38 further comprising measuring performance attributes of the component using the result of the management event policy *(column 11, lines 31-34)*.

Claim 50

The limitations of system claim 50 correspond to method claims 28 and 21 and as such are rejected in the same manner.

Claim 51

Svedberg disclosed a method of managing a component based system comprising:

- registering at least one manager module to monitor a management event for the network (column 4, line 64 to column 5, lines 17);
- receiving an event report from a first component (column 10, line 34 to column 11, line 34; additional limitations of concentrator, see claim 1);
- performing an event policy associated with the event if the event matches a
 predetermined event policy triggering event (column 11, lines 16-34);

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transmitting a result of the event policy performance to the at least one
manager module if the result of the event policy performance matches the
management event monitored by the at least one manager module (column
11, lines 8-34); and

• using the result of the event policy performance to manage at least the first component and a second component associated with the first component (column 11, lines 63-68; column 12, lines 27-33).

Claim 53

Svedberg disclosed the method of claim 51 wherein receiving the event report comprises receiving the event report from a context-specific logic through a context-free management logic of the component *(column 11, lines 16-21)*.

Claim 54

The limitations of system claim 54 correspond to method claim 51 and as such are rejected in the same manner.

Claim 55

The limitations of system claim 55 correspond to method claims 28 and 21 and as such are rejected in the same manner.

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Claim 56

The limitations of system claim 56 correspond to method claim 38 and as such are

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rejected in the same manner.

Claim 57

The limitations of system claim 57 correspond to method claim 51 and as such are

rejected in the same manner.

Claim 58

Svedberg disclosed the system of claim 1 wherein at least one management module is

configured to communicate with each management object through a management event

concentrator (column 5, lines 18-28; and column 11, lines 8-34, most importantly note

lines 24-34; multiple events controlled by respective systems and concentrated into a

main system).

Claims 59-65 and 67-68

The limitations of claims 59-65 and 67-68 correspond to system claim 58 and as such

are rejected in the same manner.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. Claims 4, 5, 15, 16-18, 42-44 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svedberg** et al., (USPN 5,408,218).

Claim 4

Svedberg did not explicitly state dependency management application performing second event policy in relation to a dependent component if a first event policy is performed on a first component. However, Svedberg demonstrated that it was known at the time of invention to perform policy based upon event occurrences (column 11, lines 22-35) and also managed objects/components commonly have dependency relationships (column 2, lines 57-61). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the managed object coordination/management system of Svedberg with event policy related by dependent components as suggested by Svedberg's own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system of interrelated components with the ability to react and repair/avoid faults/errors in a coordinated manner, event policy included (column 2, lines 30-34; column 1, lines 46-63; column 11, lines 26-30).

Claim 5

Svedberg disclosed the system of claim 4 wherein the first management event policy comprises at least one of: a state change, a status change and an alarm report of the first component (column 10, line 34 to column 11, line 34).

Claim 15

Svedberg disclosed the system of claim 1 wherein the management attributes comprise state and component dependency (column 12, line 41 to column 13, line 28).

Svedberg did not teach wherein a predetermined dependency event policy is performed on a first component based on the state of a second component upon which the first component is dependent. However, Svedberg demonstrated that it was known at the time of invention to perform policy based upon event occurrences (column 11, lines 22-35) and also managed objects/components commonly have dependency relationships (column 2, lines 57-61), state being an event. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the managed object coordination/management system of Svedberg with event policy related by dependent components as suggested by Svedberg's own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a system of interrelated components with the ability to react and repair/avoid faults/errors in a coordinated manner, event policy included (column 2, lines 30-34; column 1, lines 46-63; column 11, lines 26-30).

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Claims 16-18

Svedberg did not explicitly state the system of claim 15 wherein the dependency event policy comprises startup of the first component; shutdown of the first component; and rerouting the dependency of the first component. However, Svedberg demonstrated that it was known at the time of invention to replace component, and thus require startup and shutdown (column 11, lines 24-26), to reroute or reconfigure networks (column 11, lines 27-32) and to provide component dependencies. It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management system of Svedberg with an event policy performing necessary component operations based upon component dependency relationships as suggested by Svedberg's own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep the entire network, individual MO's and dependency relationship MO's, functioning smoothly and in synch (column 2, lines 57-62).

Claim 42

Svedberg disclosed the method of claim 41 wherein the management event policy is a first management event policy and the component is a first component, and performing the management application comprises performing a second management event policy on a second component if the first management event policy is performed on the first component upon which the second component is dependent (see claim 4).

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Claim 43

Svedberg disclosed the method of claim 38 wherein the first management policy

comprises performing at least one of a state change, a status change, an alarm report,

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a startup and a shutdown of the component (see claim 5; figure 4, multiple

components).

Claim 44

Svedberg disclosed the method of claim 38 wherein the second management event

policy comprises performing one of a state change, a status change, an alarm report, a

startup, a shutdown and rerouting of the component (see claim 5 and 16-18; figure 4,

multiple components).

Claim 52

Svedberg disclosed the method of claim 51 further comprising:

connecting to a first managed object associated with the first component and

a second managed object associated with the second component (column 1,

lines 31-45);

associating at least one event policy with at least one event of each of the first

component and the second component (column 1, lines 31-45; column 11,

lines 16-34); and

Svedberg did not explicitly state startup of components. However, Svedberg

demonstrated that it was known at the time of invention to replace component, and thus

require startup and shutdown (column 11, lines 24-26). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management system of **Svedberg** with an event policy performing necessary component operations as suggested by **Svedberg**'s own teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to keep the entire network, functioning smoothly and correctly without errors (column 2, lines 57-62; related components going on and offline; column 5, lines 2-43).

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10. Claims 12, 14 and 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Svedberg** et al., (USPN 5,408,218) and **Dev** et al. (USPN 5,261,044).

Claim 12

Svedberg did not explicitly state the system of claim 1 wherein the at least one predetermined event and the associated event policy may be edited. Dev demonstrated that it was known at the time of invention to edit network models (column 10, lines 3-40). It would have been obvious to one of ordinary skill in the art at the time of invention to implement the fault management of network system of Svedberg with editing parameters functions as found in Dev's teaching. This implementation would have been obvious because one of ordinary skill in the art would be motivated to provide a flexible system which is capable of change as and administrator deems necessary.

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Claim 14

Svedberg did not explicitly state the system of claim 13 wherein the at least one

predetermined event and the associated event policy are configured using a

management editor tool. Dev demonstrated that it was known at the time of invention to

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edit network models (column 10, lines 3-40). It would have been obvious to one of

ordinary skill in the art at the time of invention to implement the fault management of

network system of Svedberg with editing parameters functions as found in Dev's

teaching. This implementation would have been obvious because one of ordinary skill

in the art would be motivated to provide a flexible system which is capable of change as

and administrator deems necessary.

Claim 30

Svedberg and Dev disclosed the method of claim 28 wherein associating the

component event to the

selected event policy comprises associating the component event to the selected event

policy using a management editor tool (see claim 14).

Claim 31

Svedberg and Dev disclosed the method of claim 28 further comprising editing the at

least one event (see claim 12).

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Claim 32

Svedberg and **Dev** disclosed the method of claim 28 further comprising editing the associated event policy (see claim 12).

Response to Arguments

11. Applicant's arguments filed 16 September 2005 have been fully considered but they are not persuasive. Applicant argues: ¹⁾ the cited references fail to disclose "wherein the management core includes a management event concentrator for receiving and concentrating events from the managed object representations associated with the application components" (remarks: page 6); and ²⁾ the cited references do not disclose a management event concentrator in communication with at least one management module (remarks: page 8). These arguments are not persuasive for the following reasons.

First, **Svedberg** demonstrated an element for receiving and concentrating events, a management event concentrator as termed by Applicant (*Svedberg: column 11, lines 16-34*). The cited art's operation support system (OSS) provides this functionality by receiving alarms in a centralized fashion (concentrating). Under the broadest reasonable interpretation of the claim language, **Svedberg** is clearly read upon. Further, the originally filed disclosure offers little to further define the concentrator beyond what is above stated.

Second, management modules (in communication with the concentrator) are clearly provided by **Svedberg** through the elements of functionality being used by the operation support system (column 11, lines 25-34).

The above responses address all of Applicant's raised concerns and therefore the rejections are maintained as above indicated.

Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William H. Wood whose telephone number is (571)-272-3736. The examiner can normally be reached 9:00am - 5:30pm Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)-272-3719. The fax phone numbers for the organization where this application or proceeding is assigned are (571)273-8300 for regular communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

William H. Wood

February 22, 2006